Self-Certification-cum-Consolidated Annual Returns Scheme for Factories and Establishments in the State of Maharashtra

GOVERNMENT OF MAHARASHTRA

INDUSTRIES, ENERGY & LABOUR DEPARTMENT
Government resolution No. MISC- 2015/CR- 76/Desk Lab-9
Mantralaya, Mumbai - 400 032.
Date :- 23rd June, 2015.

Read :- I.E.L & D, G.R.No MISC-05/CR-1698/Desk Lab-9 dated 02-01-2006

INTRODUCTION:

To perform a statutory duty cast on the inspectors appointed under various labour laws in the Maharashtra State under the purview of Commissioner of Labour and Director of Industrial Safety & Health, the inspectors are required to visit industrial establishments. With increased awareness among Employers & Employees in various establishments, it has been represented to the Government that employers themselves can discharge the responsibility of enforcing various labour laws in their respective establishments. The employers can also suo-moto certify the fact of correct implementation of the labour laws. The Government of Maharashtra lays strong emphasis on labour reforms for creating a conducive working environment for the workers. It is also the endeavour of the Government to increase transparency in the system of inspections so as to enable the employees as well as employers to focus on the core issues of their businesses. Taking these facts into consideration, the Government of Maharashtra vide Government Resolution No MISC-05/CR-1698/Lab-9 dated 02 January 2006 had introduced the Self Certification Scheme. However this scheme got very poor response from the employers, factories and establishments.

The Government of India finalized 98 recommendations made during the National Workshop on **Make in India** held on 29/12/2014 at New Delhi. These recommendations includes the issue of Self Certification Scheme . Therefore the Government of Maharashtra decided to modify and simplify this scheme. Hence Government of Maharashtra in suppression of the G.R. dated 2/1/2006 has now decided to introduce revised Self Certification Scheme in simplified and systematic manner so as to ensure and enable the Ease of Doing Business in the State.

Government Resolution :-

Keeping the above context in view, the Government of Maharashtra has decided to introduce a new system for enforcement of various labour laws with simplification in maintenance of various records and registers required under different labour laws. The Government thus, introduces a self-certification-cum-consolidated annual returns scheme for various shops/ Establishment/Factories in the State. This step is intended to minimise enforcement visits of inspectors to the Shops / Establishment/Factories while at the same time ensuring more effective

compliance of various labour laws by the employers. The details of the aforesaid scheme are as follows.

1. Objectives of the Scheme :-

The objective of this scheme is to reduce visits of the Government officers / inspectors for inspection of Shops/ Establishment / Factories which opt for the scheme **without compromising on safety, health, welfare and social security of workers /employees** and allow them to submit consolidated annual returns in lieu of multiple returns under various labour laws. At the same time ensure and enable Ease of Doing Business in the State and Make in Maharashtra.

2. Scope of the Scheme :

This scheme of "self-certification-cum-consolidated annual returns '' is open to all the shops/ Establishment/Factories etc. in the state , except those with industrial activities covered under the Maharashtra Factories (Control of Industrial Major Accidents Hazards) Rules , 2003 or the factories in which there is use, storage, handling or processing of hazardous chemicals, which are toxic or highly inflammable or explosive or processes where in such a substances are likely to be generated or discharged. This scheme will apply only to those Shops/ Establishment/Factories, etc. which **opt** to join the scheme by applying for the same as prescribed in **Annexures I & II with an undertaking as given in the Annexure III and after enrolment duly filled Form of self-certification-cum-consolidated annual returns Annexure IV**

3. Procedure :

i) As stated above, this scheme shall be open to all Shops / Establishment / Factories in the State and any occupier /proprietor /partner/ director/ employer/ principal employer/ contractor can **opt** for the scheme after applying to the S**elf certification Scheme Committee.**

ii). There shall be a State Level Committee for monitoring and supervising the Self-Certification Scheme comprising of the following members –

(i) Chairman - Commissioner of Labour, Maharashtra State, Mumbai.
(ii) Member - Director, Industrial Safety & Health, Maharashtra State, Mumbai.
(iii) Member – Dy. Commissioner of Labour (Industrial Relations Wing), Mumbai.
(iv) Member Secretary – Dy. Commissioner of Labour (Rural Wing), Mumbai.

iii). In addition to the above there shall also be a regional Committee for each region constituted division wise. This committee will Scrutinize and approve self-

certification application received from the factories/ shops/ establishments in that division. Its composition shall be as follows -

(i) Chairman – Divisional Head of Labour Department.(Additional Commissioner Labour or Dy. Commissioner Labour)

(ii) Member - In charge Joint Director/ Dy. Director, Industrial Safety & Health Directorate of that division

(iii) Member Secretary - Assistant Commissioner of Labour from that Division nominated by Labour Commissioner.

The committee will meet every 15 days or as and when required.

4. Any occupier / proprietor / partner / director / employer/ principal employer / contractor desiring to join the scheme shall submit an application in the format prescribed in **Annexure I** (In triplicate) along with the required amount of security deposit to the Regional Self-certification Committee concerned. The Regional Self-Certification Scheme Committee will scrutinize the application within **15** days of its submission and allot a registration number to the respective occupier /proprietor/ partner/ director/ employer/ principal employer/ contractor and this number shall be quoted in all correspondence under the Scheme.

5.1. Processing Fee :

Every occupier /proprietor /partner/ Director /employer / principal employer/contractor who intend to opt for this scheme shall pay processing fee as prescribed below along with prescribed form. **(Annexureure-I)**

No. of Workers	Shops and Commercial Establishments.	Factories
1)Shops / Establishments / Factories having upto 50 workers.	(Rs.) 2,500/-	(Rs.) 5,000/-
2)Shops / Establishments / Factories having 51 to 300 workers.	5,000/-	10,000/-
3)Shops / establishment / Factories having 301 to 500 workers.	12,500/-	15,000/-
4)Shops / establishment / Factories having 501 and above workers.	15,000/-	20,000/-

The processing fee received shall be deposited under the Major Head 0230 labour and employment, 101 receipts under labour laws, (00)(01) receipts under labour laws (0230 001 8)”.

5.2 .Security Deposit :

	Shop & Commercial Establishment	Factories
1)Shops / Establishments / Factories having upto 50 workers.	**Rs. 5000/-**	**Rs.10,000/-**
2)Shops / Establishments / Factories having 51 to 300 workers.	**Rs. 10,000/-**	**Rs. 20,000/-**
3)Shops / establishment / Factories having 301 to 500 workers.	**Rs. 25,000/-**	**Rs. 30,000/-**
4)Shops / establishment / Factories having 501 and above workers.	**Rs. 30,000/-**	**Rs. 40,000/-**

The Security Deposit will be refundable after completion of scheme and it is also proposed that if the applicant establishment withdraws from the Scheme or violates the conditions of the Scheme before the completion of 5 years the Security Deposit shall be forfeited. The Security Deposit received will be deposited under the Receipts head K-Deposits and Advances, (b) Deposits not bearing interest, 8443, Civil Deposits, (116)(00)(01) Deposits under various Central and State Acts (8443 5207)

If an applicant establishment violates the condition of the scheme and during the inspection, if it is found that there are violation under the Labour Laws in which the exemption or relief is granted, the establishment will be disqualified for the benefits of the scheme and in future also the establishment will not be eligible to apply for the scheme. However in such cases of disqualification decision of the State Level Committee shall be final. There will be list of such defaulting applicants maintained by the regional committee. If any violation are detected during the course of inspection, it will be processed as per the provisions of the respective labour laws.

6. Validity of the Scheme :

Once the occupier / proprietor / partner / Director / employer / principal employer / contractor has opted for the Scheme, it shall be valid for a period of 5 financial years. After 5 financial years, the occupier / proprietor / partner / Director / employer / principal employer/contractor may renew the registration under this Scheme for further 5 financial years by submitting a fresh application with the required security deposit and fees accordingly. However, the employer will be free to withdraw from the Self-Certification Scheme at any time before completion of 5 years by informing the Self-Certification Scheme Committee

concerned in this regard. In such cases of premature withdrawal from the Scheme, the Security deposit paid at the time of registration will be forfeited.

7. Coverage under the Scheme :

The Scheme will cover following labour laws :

i. The Payment of Wages Act, 1936 and the Rules made there under,

ii. The Minimum Wages Act, 1948 and the Rules made there under,

iii. The Contract Labour [Regulation & Abolition] Act, 1970 and the Rules made there under,

iv. The Maternity Benefit Act, 1961 and the Rules made there under,

v. Payment of Bonus Act, 1965 and the Rules made there under,

vi. Payment of Gratuity Act, 1972 and the Rules made there under,

vii. Equal Remuneration Act, 1976 and the Rules made there under,

viii. Maharashtra Workmen's Minimum House Rent AllowanceAct,1983 and the Rules made there under,

ix. The Factories Act, 1948 and the Rules made there under

x. The Maharashtra Shops and Establishment Act, 1948 and the Rules made there under,

xi. Inter State Migrant Workmen [Regulation of Employment and Conditions of Service] Act, 1979 and Rules, 1980 and the Rules made there under,

xii. The Beedi & cigar Workers (conditions of Employment) Act, 1966 and the Rules made there under,

xiii. The Motor Transport Act, 1961 and the Rules made there under,

xiv. The Child Labour (Prohibition & Regulation) Act, 1986 and the Rules made there under,

xv. The Sexual Harassment of women at work place (Prevention, Prohibition and Redressal) Act,2013.

xvi. Bonded Labour System (Abolition) Act, 1976.

8. Filing of Self-Certification-cum-Consolidated Annual Returns :

After getting enrolled for the Scheme, the concerned occupier/ proprietor / partner / director / employer / principal employer / contractor shall file Self-Certification-cum-Consolidated Annual Return in the format prescribed in Annexureure IV along with required supporting document / information. This return shall be filed on or before 30th April of each financial year on any working day to the concerned Regional Committee. On failure to submit the return within the prescribed time limit, the occupier / proprietor / partner / director / employer / principal employer / contractor will cease to be the member under the Self-Certification Scheme.

9. Consequences of submitting false information in the Return :

The occupier / proprietor / partner / director / employer / principal employer / contractor if found at any stage submitting false information in the Self-Certification-cum-Consolidated Annual Return, he will be asked to submit justification/ explanation to the concerned Regional Committee and the Regional Committee will decide whether the registration under the Scheme need to be cancelled/suspended. If at a later stage, returns are found to contain false information, the occupier / proprietor / partner / Director / employer / principal Employer / contractor will be liable for legal action under relevant provisions of the laws. The decision of the State Level Committee in this regard shall be final.

10. Inspection procedure under the Scheme :

(a) 20% of the shops / establishments / factories covered under the Scheme shall be selected randomly by the State Level Committee for inspection during a year. The shops / establishments / factories randomly selected every year shall be inspected only once in that year to verify implementation and compliance of various laws covered under the Scheme. The shops / establishments / factories inspected once during the period of the Scheme will not be inspected again during remaining period of 5 years of the scheme unless complaints are received by the Regional Committee or State Level Committee or the Government of Maharashtra in this respect. If any violations are detected during the course of inspection, it will be processed as per the provisions of the respective labour laws.

(b) The inspection visits for enquiry into complaints shall be made only on specific authorization by the following:

i. Commissioner of Labour, Addl. CL / Dy.CL in respect of the matters coming under his jurisdiction.
ii. Director/Addl. Director / Joint Director of Industrial Safety and Health in respect of matters coming under his jurisdiction.

(c) EXCEPTIONS : The Scheme shall not cover any inspections/ visits made by the Officers of Director, Industrial Safety & Health for the purpose of conducting enquiry into accidents and dangerous occurrences.

11. This Scheme shall come into effect from date of issue of this Government Resolution.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201506241554478210. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra,

Varsha M Bharose

Digitally signed by Varsha M Bharose
DN: CN = Varsha M Bharose, C = IN, S = Maharashtra, O = Government Of Maharashtra, OU = Under Secretary
Date: 2015.06.24 15:57:19 +05'30'

(V. M. Bharose)
Dy. Secretary
Government of Maharashtra

Copy to :

1. Principal Secretary to Hon.Chief Minister , Mantralaya.
2. Private Secretary to Hon. Minister (Labour), Mantralaya.
3. Private Secretary to Hon. Minister of State (Labour), Mantralaya
4. Dy. Secretary to Chief Secretary, GAD, Mantralaya.
5. Principal Secretary (Industries),I.E.& L.Dept., Mantralaya.
6. Commissioner of Labour, Kamgar Bhavan, C-20, ‘ E’ Block, B.K.C. Bandra (E), Mumbai 400 051.
7. Director, Directorate of Industrial Safety & Health, BKC, Bandra, Mumbai 51.
8. Development Commissioner (Industries), Directorate of Industries, New Admininstrative Bldg., Mumbai.
9. Director General, Information & Public Relations, G.A.D., Mantralaya, Mumbai.
10. Principal Secretary Vidhan Mandal Sachivalaya, Vidhan Bhavan, Mumbai
11. A.C.S./P.S./ Secretary all departments Mantralaya.
12. Select file Labour-9, I.E.& L.Dept., Mantralaya

ANNEXURE - I
APPLICATION FORM

From
M/s.

To,

The Additional Commissioner / Deputy Commissioner of Labour,
Government of Maharashtra
(of that Division)

Sub : Application for registration to be covered under Self Certification -cum- Consolidated Annual Return Scheme under laws being implemented by Department of Labour as per the terms & conditions of the Scheme.

Sir,

I / we have gone through the above said scheme and have understood the same. I/we wish to be covered under(subscribe for) the said Scheme. As such I / we request you to kindly issue me / us necessary registration under the same. The necessary information and documents, as required under the Scheme, are enclosed. I / we undertake to abide by all terms and conditions of the Scheme. It is also certified that I / we am/are competent and duly authorized to make any statement or provide any information to any Central / State Government agency on behalf of this shop / establishment / factory named ______________________ ___________ _______ _________________

Kindly issue the necessary approval at the earliest.

Yours Faithfully,

[Name and Address of the occupier/
proprietor/partner/director/employer/
principal employer/ contractor]

Encl:- Authority Letter

ANNEXURE II

LIST OF DOCUMENTS TO BE ATTACHED WITH ANNEXURE I

Particulars	Remarks
1) Name & address of the establishment with e-mail, telephone No. mobile/fax No. etc. with registration under shop / factory, partnership/ occupier / proprietor /director /employer and others.	
2) No.of workers employed i) Permanent ii) Temporary iii) Contract labour iv) Casual labour	
3) Registration No. and date alongwith attested copy of registration under the Factories Act, 1948 if applicable.	
4) Registration No. and date along with attested copy of registration under the Bombay Shops & Establishment Act, 1948 if applicable.	
5) Registration No. and date along with attested copy of registration under the Contract Labour (Regulation & Abolition) Act, 1970 if applicable.	
6) Licence No. and date under the Contract Labour (Regulation & Abolition) Act, 1970 if applicable.	
7) List of raw materials used and products, if the factory is manufacturing or processing unit.	
8) Details of bank draft attached.	

9) Name and address of the shops /establishment./factory with telephone/ mobile/fax nos. and e-mail address if any.	
10) Name and address of the occupier/proprietor/ partner /directors/employer/principal employer /contractor with telephone/mobile/fax nos. and e-mail address if any.	
11) Name and residential address of the manager or person responsible for supervision or control of the shops /establishments/factory with telephone/mobile/fax nos. and e-mail address if any.	
12) Registration No./License No. & Date of commencement of the shops/establishment/ factory.	
13) Nature of industry/ activity – manufacturing, Trading, Services .	

Signature of Authorised Person.

Place :
Date :

ANNEXURE III

UNDERTAKING

[To be filed by the Occupier/Proprietor/Partner/Director/Employer/Principal Employer/Contractor on a Non-Judicial Stamp Paper of Rs.100]

I/we ____________________________S/o.Shri.______________________________ R/o____ and Occupier/Proprietor/Partner/Director/Employer/Principal Employer/Contractor of M/s. ___________________________________here by state as under.

That I/we have applied for grant of coverage of shops/establishment./factory by the name of

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situated at [complete address of the shops/factory/establishment.] the Self Certification-cum-Consolidated Annual Return Scheme of the Labour Department, Government of Maharashtra as notified vide Resolution No. No MISC-2015/CR 76/Lab-9, dated 23rd June, 2015.

1. That I/we have gone through the Scheme and have fully understood the contents of this Scheme and undertake to abide by the same.
2. That it is declared that I/we are complying with and will continue to comply with all provisions of labour laws covered under this Scheme.
3. **I/We agree that in case of violation detected in my/our shops/ establishments/factories under the labour laws covered under the scheme during Self Certification period, I/We will be responsible for the consequences . If any violation are detected during the course of inspection, it will be processed as per the provisions of the respective labour laws.**
4. I/we shall not engage or permit to engage any child labour and bonded labour in the my/our establishment /shop / factory.

PLACE :
DATE: DEPONENT.

VERIFICATION

I/we, the above named deponents do hereby further solemnly affirm that the contents given above are true and correct to my/our knowledge.

PLACE :
DATE : DEPONENT.

Enc.1. Annexure - I Application form, 2.. Annexure - II [List of documents]

ANNEXURE IV

FORM FOR SELF CERTIFICATION -CUM-CONSOLIDATION ANNUAL RETURN TO BE SUBMITTED BY OCCUPIER / PROPRIETOR / PARTNER / DIRECTOR / EMPLOYER / PRINCIPAL EMPLOYER / CONTRACTOR FOR COMPLIANCE OF LABOUR LAWS

I/we , Mr./Mrs./Miss.________________________________ hereby certify that I/we am/are the Occupier/Proprietor/Partner/Director/Employer/Principal Employer/Contractor of the shops/establishment/factory whose identification and general details are as follows. I/we hereby certify that my/our shops/establishments/factories have fully and correctly complied with all the labour laws under the Scheme and the status of compliance of following labour laws and annual return of my/our shops/establishments/factory during the year ______________________ is as under.

i. The Payment of Wages Act, 1936 and the Rules made there under,
ii. The Minimum Wages Act, 1948 and the Rules made there under,
iii. The Contract Labour [Regulation & Abolition] Act, 1970 and the Rules made there under,
iv. The Maternity Benefit Act, 1961 and the Rules made there under,
v. Payment of Bonus Act, 1965 and the Rules made there under,
vi. Payment of Gratuity Act, 1972 and the Rules made there under,
vii. Equal Remuneration Act, 1976 and the Rules made there under,
viii. Maharashtra Workmen's Minimum House Rent AllowanceAct,1983 and the Rules made there under,
ix. The Factories Act, 1948 and the Rules made there under,
x. The Maharashtra Shops and Establishment Act, 1948 and the Rules made there under,
xi. Inter State Migrant Workmen [Regulation of Employment and Conditions of Service] Act, 1979 and the Rules made there under
xii. The Beedi & cigar Workers (conditions of Employment) Act, 1966 and the Rules made there under,
xiii. The Motor Transport Act, 1961 and the Rules made there under,
xiv. The Child Labour (Prohibition & Regulation) Act, 1986 and the Rules made there under,
xv. The Sexual Harassment of women at work place (Prevention, Prohibition and Redressal) Act,2013.
xvi. Bonded Labour System (Abolition) Act, 1976.

Note: Wherever not applicable write N/A.

1.	Name of Shops/ Establishment/ Factory, its postal address and location. Contact No., e-mail Id.	
2.	Name and address of Occupier/ Proprietor/partner/director/employer/ principal employer/contractor. Contact No., e-mail Id.	
3.	Name and address of the principal employer, if the employer is a contractor. Contact No., e-mail Id.	
4.	Name of the manager responsible for supervision and control, if the employer is a contractor. Contact No., e-mail Id.	
5.	(i) Nature of business, industry or trade or occupation carried on by the employer (ii) Date of commencement of business, industry, trade or occupation	
6.	Employer's No. ESI/EPP/Welfare Fund/PAN No. if any.	
7.	No of regular workers employed during the year.	

CATEGORY

	Highly Skilled	Skilled	Semi-skilled	Unskilled
Male				
Female				
Total				

8. The Maharashtra Shops and Establishments Act, 1948 and the Rules made there under –

a)	No of workers employed	
b)	Whether all workers were given leave with wages during the year.	
c)	Whether all workers were given holidays as per Section 35.	
d)	If holidays were not given as per Section 35, whether overtime wages and substitute holidays were given	

9. Payment of Wages Act, 1936 and the Rules made there under

a) Date of payment	

b) Total Wages paid. --		
Category of workers.	No.of workers.	Amount paid in the financial year.
Regular		
Contract		
Casual/Temporary		

10. Minimum Wages Act, 1948 and Rules, 1963 and the Rules made there under

a) Schedule Employment & Zone	

b) Wages paid. --		
Category of workers.	Total No.of workers employed in the financial year.	Total wages paid in financial year
Unskilled		
Semi-skilled		
Skilled		

11. Contractor Labour (Regulations and Abolition) Act, 1970 and the Rules made there under

a)	Registration No. of Principal Employer.	
b)	No. of contract workers employed during the year, No.of contractors	
c)	No. of contractors who have obtained the licences.	
d)	Details in respect of each contractor	

Sr. No.	Name & Address of the contractor	Nature of work carried out	No. of contract labourers engaged	Duration of the contract	
				From	To

12. Maternity Benefit Act, 1961 and the Rules made there under

a)	No. of women who have claimed maternity benefit under Section 6	
b)	No. of women who were paid maternity benefit for actual birth/miscarriage leave benefit.	
c)	No. of women who were paid maternity benefit u/s 7	
d)	Total amount of maternity benefit paid.	
e)	Amount of medical benefits paid.	

13. Payment of Bonus Act, 1965 and the Rules made there under

a)	No. of employees benefited by bonus payment and total amount.	
b)	% of bonus as computed under the Act.	
c)	Date of settlement/agreement, if any in respect of bonus .	
d)	Date of payment.	
e)	If bonus is not paid, reasons thereof.	

14. Payment of Gratuity Act, 1972 & Rules 1972 and the Rules made there under

a)	Amount of gratuity paid during the financial year.	
b)	No. of employees to whom the gratuity is paid.	
c)	If gratuity is not paid, reasons thereof.	

15. Equal Remuneration Act, 1976 and Rules, 1976 and the Rules made there under

a)	No. of male/female doing similar nature of work.	
b)	Whether male/female workers paid equal wages for similar nature of work.	

16. Maharashtra Workmen Minimum House Rent Act, 1983 and the Rules made there under

a)	Amount of HRA paid.	
b)	Percentage of HRA paid.	

17. Factories Act, 1948 and the Rules made there under

A] Fatal Accidents :

Reported to inspector of Factories	Reported to ESIC	Reported to Workmen's Compensation Commissioner	Others

B] Non Fatal Accidents :

Reported to inspector of Factories	Reported to ESIC	Reported to Workmen's Compensation Commissioner	Others

18. Interstate Migrant Workmen [Regulation of Employment & Condition of Service] Act, 1979. and the Rules made there under

(If applicable)

a)	No. of inter state migrant employed.	
b)	Duration of employment.	
c)	Nature of work.	
d)	Recruitment licence No. of parent State [photocopy may please be submitted]	

19. The Beedi & cigar Workers (Conditions of Employment) Act, 1966. and the Rules made there under

(If applicable)

a) i)	Total No. of Beedi workers	
ii)	Total No. of Factory workers	
iii)	Total No. of Home workers	
iv)	Total No. of Branches	
b)	Total amount disbursed against leave encashment	
c)	Total amount of earned leave paid to Beedi workers	

20. The Motor Transport Act, 1961. and the Rules made there under

(If applicable)

a)	Total No. Of motor transport workers are engaged	
b)	Total wages disbursed	
c)	Total amount disbursed against wages	
d)	Total amount disbursed against leave encashment	

21. The Child Labour (Prohibition & Regulation) Act, 1986 and the Rules made there under

a) Whether the Factory / establishment hazardous or not	
b) Whether the Factory/Establishment engage any child labour.	

22. Bonded Labour System (Abolition) Act, 1976 and the Rules made there under

a) Whether the Factory/Establishment engage any bonded labour	

23. The Sexual Harassment of women at work place (Prevention, Prohibition & Redressal) Act,2013.

a) Whether the internal committee has been constituted under section 4 of this Act ?	
b) Whether all provision of this Act are complied with?	

24. Certified that the above information is correct as per available records and knowledge.

Signature
(Name & designation of Authorized Officer)